

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE L. RIECO,

Plaintiff,

v.

C/O III ROY BAUCHER, et al,

Defendants.

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) 2: 15-cv-1510
) ELECTRONICALLY FILED
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MEMORANDUM ORDER

This prisoner civil rights case was received by the Clerk of Court on November 18, 2015, and was referred to a United States magistrate judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge filed a Report and Recommendation on December 21, 2015 [ECF No. 5] recommending that the Complaint be dismissed *sua sponte* before service pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b) as Plaintiff's claims are frivolous. The Report and Recommendation was mailed to Plaintiff at his listed address of record. Plaintiff was advised that written objections to the Report and Recommendation were to be filed by January 7, 2016.

The time has now passed for filing written objections. Plaintiff has not filed any objections nor has he requested an extension of time in which to do so.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after *de novo*

review of the Complaint, together with the Report and Recommendation, the following order is entered:

AND NOW, this 11th day of January, 2016:

IT IS HEREBY ORDERED that the Complaint be dismissed as frivolous pursuant to the screening provisions of the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b). It is further **ORDERED** that leave to amend is denied as it would be futile for Plaintiff to amend his claim.

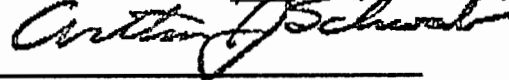
IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 5] is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the “motion to supplement case adding new supervisory defendants that are preventing abuse allegations” [ECF No. 7] be **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

SO ORDERED this 11th day of January, 2016.



Arthur J. Schwab
United States District Judge

cc: **DWAYNE L. RIECO**
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